IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

DEFORREST G. FYER,)
Plaintiff,)
vs.) CIVIL ACTION NO. 08-0124-CG-M
FLIGHTSAFETY INTERNATIONAL INC., et al.,)))
Defendants.))

ORDER

By orders of June 16, 2008 (Docs. 4,5), the plaintiff was directed to file an amended complaint and either pay the filing fee or file an amended motion to proceed without prepayment of fees on or before July 17, 2008, and that failure to comply would result in dismissal of this action. The court has not received the plaintiff's amended complaint or an amended motion to proceed without prepayments of fees to date, and there is no record of the plaintiff having paid the \$350.00 filing fee. Therefore, due to the plaintiff's failure to comply with the court's orders and to prosecute this action, and upon consideration of the alternatives that are available to the court, it is **ORDERED** that this action be **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to comply with the court's orders and to prosecute this action. See <u>Link v. Wabash R. R.</u>, 370 U.S. 626, 630, 82 S.Ct. 1836, 8 L.Ed.2d 734 (1962) (interpreting Rule 41(b) not to restrict the court's inherent authority to dismiss <u>sua sponte</u> an action for lack of prosecution).

DONE and ORDERED this 25th day of July, 2008.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE